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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/469,834	12/22/1999	TREVOR HUGHES	D5785-00002	5427

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EXAMINER
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DELGADO, MICHAEL A

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/469,834

Applicant(s)

HUGHES, TREVOR

Examiner

Michael S. A. Delgado

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 9-11 and 32-37 is/are pending in the application.
- 4a) Of the above claim(s) 1-8, 12 and 38-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-11 and 32-36 is/are rejected.
- 7) ☒ Claim(s) 36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other:

### DETAILED ACTION

1. Claim 37 is objected to because of the following informalities: claim 37 depends on claim 23, which is withdrawn. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 9-11 and 32-36 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. US 6,385,766 by Doran, Jr et al.

In claim 1, Doran teaches about a method for operating a computer system including a server and a client, comprising the steps of (Col 9, line 65-Col 10, line 35):

(a) downloading a first portion of an application program “WBI” from the server to the client (Col 7, lines 20-35), the first portion of the application program containing a first plurality of program files “WBI and Run.WBI” (Col 10, lines 44-54), the application program further including a second portion containing a second plurality of program files “third party software packages” (Col 7, line 60-Col 8, line 5), the second plurality of program files not being included in the first plurality of program files (WBI and RUN.WBI are run as a hook programs before loading third party application) (Col 10, lines 20-35), the application program being designed to

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operate only with the first plurality of program files stored locally and the second plurality of program files stored locally (Col 10, lines 20-35);

(b) launching the application program in the client, while the first portion of the application program is stored locally in the client, but the second portion of the application program is not stored locally in the client (Col 6, lines 30-45), (Col 8, lines 1-5) (WBI and RUN.WBI is run prior to loading third party application);

(c) processing in the client, a request for one of the second plurality of program files (Col 8, lines 5-15);

(d) automatically downloading at least one of the second plurality of program files from the server to the client (Col 10, lines 15-35); and

(e) using the at least one of the second plurality of program files in the client (Col 10, lines 15-35).

In claim 10, Doran teaches about a method of claim 9, including, before step (a), the steps of:

(1) Selecting the first plurality of program files “WBI and RUN.WBI” to include program files that are expected to be used frequently “continuously engage detached processes” (Col 6, lines 30-45), (Col 7, line 60-Col 8, line 5); and

(2) selecting the second plurality of program files to include program files that are not expected to be used frequently (Col 6, lines 30-45).

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In claim 11, Doran teaches about a method of claim 9, wherein step (d) includes downloading all of the second plurality of program files from the server to the client (Col 10, lines 15-35).

In claim 32, Doran teaches about a method for configuring computer programs on a client that is coupled to a server, comprising the steps of (Col 9, line 65-Col 10, line 35):

(a) identifying a first plurality of computer programs that are listed in a user profile “build to order represent client personal taste equivalent to client profile” associated with a user of the client (Col 7, lines 20-35), the first plurality of computer programs being associated with the user (Col 10, lines 15-35);

(b) querying a database identifying dependencies among a second plurality of computer programs that are stored on the server (Col 1, lines 25-35), the first plurality of computer programs being a subset “ a line which indicate where a given third party software set up program is” of the second plurality of computer programs (Col 10, lines 5-15);

(c) identifying dependencies (WBI uses RUN.WBI) among the first plurality of computer programs based on the querying (Col 7, line 60-Col 8, line 5); and

(d) automatically generating configuration files “manufacturing process code” that are required to execute any of the first plurality of computer programs “WBI” in the client (Col 7, lines 20-35), without executing any installation programs associated with any of the first plurality of computer programs “RUN.WBI” (Col 7, line 60-Col 8, line 5). RUN.WBI is run after WBI is run.

In claim 33, Doran teaches about a method of claim 32, further comprising automatically downloading computer program files corresponding to the first plurality of computer 4 programs from the server to the client (Col 7, lines 20-35).

In claim 34, Doran teaches about a method of claim 32, further comprising, before step (a), the step of:

storing a plurality of codes in the database (Col 1, lines 25-35), each code associated with a respective dependency between at least two of the second plurality of computer programs (Col 10, lines 15-45).

In claim 35, Doran teaches about a method of claim 34, wherein step (d) includes:

generating the configuration files "WBI" to reflect a dependency between the at least two of the second plurality of computer programs (Col 10, lines 15-35), ( means to link and download applications A, B & C ) , if all of the at least two of the second plurality of computer programs are included in the first plurality of computer programs "RUN.WBI" (Col 10, lines 15-45).

In claim 36, Doran teaches about a method of claim 35, wherein step (d) further includes:

generating the configuration files so as not to reflect the dependency between the at least two of the second plurality of computer programs, if the at least two of the second plurality of computer programs are not all included in the first plurality of computer programs (Col 7, line 60- Col 8, line 5). Only applications in RUN.WBI are allowed to be downloaded. If an application is not in the RUN.WBI there will be no reference or dependency to it.

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US patent no. 6,226,665 by Deo et al. teaches about an application execution environment for a small device with partial program loading by a resident operating system

US patent no. 6,470,496 by Kato et al teaches about a control program downloading method for replacing control program in digital broadcast receiving apparatus with new control program sent from digital broadcast transmitting apparatus.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. A. Delgado whose telephone number is 703-305-8057. The examiner can normally be reached on 8 AM - 4.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703)308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



MD  
November 21, 2003



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